

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re:

Kimberly Nicole Bush

Debtor.

Case No. 17-12256-KHK
Chapter 13

US BANK,

Movant,

v.

Kimberly Nicole Bush

Respondents,

and

Thomas P. Gorman,

Trustee.

ANSWER TO MOTION FOR RELIEF FROM STAY

COME NOW, Debtor Kimberly Nicole Bush (“debtor”) and responds to Movant US Bank’s (“Movant”) Motion for Relief from the Automatic Stay as follows:

1. The debtor admits that this is a contested matter and that this court has jurisdiction within the meaning of the Bankruptcy Code and Federal Rules of Bankruptcy Procedure
2. The debtor admits that Movant is the holder of the Note secured by a Deed of Trust dated September 10, 2003 and recorded among the land records of the City of Alexandria Virginia and which encumbers the property of the Debtor at 4612 Cottonwood Place Alexandria Virginia 22310. Cynthia Randall, the listed non-filing co-debtor is deceased.

3. The debtor admits the facts stated in paragraphs 3 of the movant's motion.

4. The debtor neither admits or denies the allegation in paragraph 4, of the movant's motion and demand strict proof thereof

5. The debtor admits the allegation in paragraph 5 of the movant's motion. The debtor has attempted to contact the Movant and the prior note holder Ditech to arrange for a loan modification or refinance of the property into the Debtor's name. The Movant has not responded to the Debtor's requests and will not speak to her because she is not Cynthia Randall. The Debtor has told the Movant and the prior note holder that Ms. Randall is deceased multiple times, but Movant has not updated their records and has not worked with the debtor because she is not on the note.

6. The debtor neither admits or denies the allegations in paragraphs 6 of the movant's motion and demand strict proof thereof.

7. The debtor denies the allegation in paragraph 7 of the movant's motion. There is sufficient equity in the home and the movant is adequately protected.

WHEREFORE Kimberly Nicole Bush respectfully requests that the Motion for Relief from the Automatic Stay be denied.

Respectfully submitted,

KIMBERLY NICOLE BUSH

By Counsel

/s/ Xue F. Connelly

Wade, Grimes, Friedman, Meinken & Leischner, P.L.L.C.

Gregory M. Wade (Va. Bar No. 16116)

Xue F. Connelly (Va Bar No. 93443)

616 N. Washington St.

Alexandria, VA 22314

(703) 836-9030 (phone)

(703) 683-1543 (fax)

wade@oldtownlawyers.com

connelly@oldtownlawyers.com

Counsel for Debtor

CERTIFICATE OF SERVICE

I hereby certify that this 12th day of July 2019 a copy of the foregoing was served through the court's ECF system on all registered ECF participants who have appeared in this case, and via first class mail, postage prepaid, on the following:

Dinh Ngo, Esq.
McCabe, Weisberg, & Conway LLC
312 Marshall Avenue Suite 800
Laurel MD 20707

Office of the U.S. Trustee
1725 Duke Street, Suite 650
Alexandria, VA 22314

Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington St., Suite 400
Alexandria, VA 22314

/s/ Xue F. Connelly
Xue F. Connelly